

**DRAFT**  
**California Environmental Protection Agency (Cal/EPA)**  
**Proposed Recommendations for A Public Participation Policy**

**May 18, 2005**

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*All members of the public shall have access to the decision-making processes of each Board, Department and Office (BDO) within the California Environmental Protection Agency (Cal/EPA). Efforts to engage and inform the public will begin early and continue through implementation of the decisions.*

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## **I. Recommendations To Enhance Public Participation Efforts**

To enhance public participation efforts, Cal/EPA and its BDOs will jointly develop and implement the following:

- 1. Consistent and uniform public participation processes for all BDOs; a common complaint resolutions process, using the Air Resources Board's complaint resolution process as a model so similar matters are dealt with consistently across BDOs*
- 2. A consistent approach for all BDOs on the use of plain language*
- 3. Common guidelines (including translation), and a regional approach for public participation*
- 4. Training for public participation and principles of environmental justice*
- 5. Demographic and community assessment databases and continuous evaluation and updating of electronic public participation tools.*

## **II. Public Participation Workgroup**

To address the recommendations above, Cal/EPA shall convene a workgroup consisting of representatives who have decision-making authority from each BDO, and stakeholders including environmental and community groups, industry, and other representatives from local government. This workgroup will be formed in the second quarter of 2005. It shall address the issues according to the order of the list above (with the first item being the highest priority in terms of need and timing). Subgroups may be formed out of this group to address other priorities. The workgroup will present its recommendations to the Cal/EPA Environmental Justice Advisory Group (CEJAC) and other interested parties for comment prior to adoption by Cal/EPA. The revised recommendations will be sent to the Interagency Work Group for approval as a policy of Cal/EPA. Recommendations on the first two items listed above will be presented to the CEJAC at its first meeting of 2006.

### **III. Description of Recommendations**

#### **1. *Consistent and Uniform Public Participation Processes for all BDOs; a Common Complaint Resolutions Process, using the Air Resources Board's Complaint Resolution Process as a Model so Similar Matters are Dealt with Consistently across BDOs***

Cal/EPA BDOs shall develop a process for dealing with concerns directly related to public participation. Members of the public shall have a point of contact to discuss their concerns about implementation of environmental justice and public participation policies. ARB currently has a very good complaint process; this should serve as a model for discussion. The process shall include language specific to public participation and environmental justice. Within the process there will be a discussion of how and when the BDO should provide feedback to the community member.

#### **2. *A Consistent Approach for all BDOs on the Use of Plain Language***

California Government Code Section 6219 requires the use of plain, straightforward language. DTSC currently has a policy and guidance mandating use of plain language in its documents.

The goal of this recommendation is to ensure that all BDOs take a "Plain Language" approach when communicating with the public. Cal/EPA BDOs shall develop a guidance document for use by staff and management. Training shall be developed (DTSC currently has a training) and made available.

As part of a plain language effort, the guidance developed under this recommendation will be written in a way that allows the public to fully understand the regulatory processes of each BDO. This information will be made available to the public in a variety of formats (on the Cal/EPA Web site, and in printed materials). In addition, each BDO will be asked to develop its own guidance in plain language.

#### **3. *Common Guidelines (Including Translation), and a Regional Approach for Public Participation.***

Guidelines for public participation shall establish a comprehensive and consistent public participation process for Cal/EPA and its BDOs. The workgroup shall establish a minimum level of public participation (a level which is applied when there is little or no public interest); develop assessment tools to determine the level of community interest; and identify tools which can be used as interest increases.

Essential elements shall include outreach, access to information, and notification. The goal is to develop a comprehensive menu of ways to improve public participation as appropriate for each BDO, while ensuring a minimum, consistent level of public participation opportunities across Cal/EPA, and without creating unnecessary delay to projects. Minimum level of public participation means the lowest or least intensive level of public involvement and is not intended to discourage a higher level as appropriate.

The guidance must be flexible for the many types of decisions we make, and for the different types of communities which are affected by decisions. Recognition must be given to the fact that many of the BDOs' decisions are statewide, such as standards and regulations, and consideration must be given to the various legal mandates for each BDO.

With regards to translation and interpretation, roughly a third of Cal/EPA community outreach is done in communities where there are significant numbers of non-English speaking residents. Currently, each BDO provides varying levels of translation. At times staff members serve this purpose, and there is no consistent approach to providing translation services. Within the general guidelines for public participation there will be guidance pertaining to an assessment of the need to translate documents, and including translation and interpretation services within communication strategies.

The guidelines will identify assessment strategies that can determine audience, level of interest and elements that could affect communication. They will encourage communication in non-traditional ways when appropriate; for example, use "universal" pictures to convey complex ideas of (or to supplement) technical written materials and blueprints.

The assessment will also identify the various suitable means of communicating with community members about meetings, workshops, hearings, and proposed action dates.

The guidance will also stress that a goal of public participation is to capitalize on existing community resources by building positive and effective working relationships with community – based and non-governmental organizations. These groups and their communication networks are invaluable and by using them, the BDOs will likely conserve resources. The community assessments will seek to clarify roles and responsibilities of federal, state, local, and where applicable tribal or Mexican governments/agencies.

Guidance will identify when a formal response to community comments is appropriate or mandated, and will also outline informal methods of obtaining community input and providing feedback.

### ***Cal/EPA Regional Approach***

Another essential element of this recommendation is how Cal/EPA's BDO do their business on a regional basis. Environmental issues are not isolated by media and must be considered in the overall context of community health. Cal/EPA is in an advantageous position in that its BDOs deal with all media. To fully take advantage of this, the agency should serve as a forum for coordinating its projects regionally, as best as possible.

BDOs need to be responsive to environmental issues on a regional basis and coordinate with other BDOs and regional entities if issues are multi-media in nature. Regionalization is designed to enhance and streamline public involvement, giving community members access to the process and decision-makers. It is not meant to replace existing relationships between community members and staff within individual BDOs or their local counterparts.

The following issues shall be considered in developing a regional approach to public participation:

- Developing a strong regional identity for Cal/EPA and its BDOs.
- Holding community meetings to discuss environmental issues under the BDOs purview.
- Forming advisory groups, where appropriate, to disseminate information and assist the BDOs in gathering public input.
- Developing databases where environmental information can be easily retrieved via the Internet.
- Creating local and statewide hotlines for environmental compliance issues and complaints.
- Developing web pages accessible through Cal/EPA's Web site that will contain regional environmental publications, reports, and data.
- Creating common repositories for printed information created in response to local issues
  - Working with local governments
  - Developing relationships with and a presence in rural communities

With regards to a regional approach to public participation, the guidance will identify opportunities for developing regional stakeholder or advisory groups to provide participation on projects under the Cal/EPA umbrella. Also, the guidance will identify opportunities for utilizing BDO regional offices or centrally located public buildings as consolidated information repositories for all Cal/EPA projects within that region.

The guidance will address collaboration with existing community education programs that could be used to as communication channels with the public. Also the guidance will identify, as appropriate, where Cal/EPA's educational programs can be effective as a resource to communities. As resources permit, speakers from Cal/EPA's various programs could meet with community groups to raise the public's understanding of environmental issues.

#### ***4. Training for Public Participation and Principles of Environmental Justice***

A training matrix shall be established and implemented for public participation and environmental justice. Trainings will reflect the policies and guidance developed under these recommendations. Where feasible, Cal/EPA or its BDOs shall extend staff training opportunities to stakeholders, especially local governments who interact with the committee on similar or related issues. Community members and other members of the public will be asked to help present training elements to staff members when appropriate.

Each BDO shall regularly evaluate the effectiveness of its public participation efforts and consider evaluating individual employee's performance in this area where appropriate.

## **5. *Demographic and Community Assessment Databases and Continuous Evaluation and Updating of Electronic Public Participation Tools***

### ***Demographic and Community Assessment Databases***

The goal of this recommendation is to increase and improve communication with the public. Many communities are quite willing and able to use electronic tools to provide public comments, to answer survey information, to ask questions, and to conduct research. Teleconferencing and web casting technology have improved to the point where public meetings can be conducted on a statewide basis. In developing a regional approach to public participation, these tools (and others under development) can allow for outreach and participation on a broad basis.

A great deal of information is available within each BDO. Databases developed by each BDO should be designed so there is easy access for the public, as well as other agencies. As part of the ongoing internal coordination on information technology, Cal/EPA BDOs will evaluate the feasibility of developing a common database that provides information on community leaders, demographics, environmental concerns, existing sites or facilities that fall under the BDOs' regulatory authority, location of repositories, language needs, and other applicable data.

This work can be done on an ongoing basis as new technology is developed and as staff resources are available, and in conjunction with other database consolidation efforts.

### ***Continuous Evaluation and Updating of Electronic Public Participation Tools***

Electronic communications provide a unique opportunity to communicate with large numbers of people without the need for travel. It shall be the policy of Cal/EPA that staff continually evaluate the ability to utilize various electronic tools when conducting public outreach, keeping in mind that for those community members who may not wish or may not have the tools to communicate in this manner, traditional communication tools will be used. When possible, staff shall utilize the following tools:

- Web casting
- Electronic comment forms
- Forums
- Website development

These require a periodical evaluation and update and community input will be essential.